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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,295	08/06/2003	Naotaka Kumakiri	IIP-107-A	8030
21828	7590	12/02/2005	EXAMINER	
CARRIER BLACKMAN AND ASSOCIATES			TO, TOAN C	
24101 NOVI ROAD			ART UNIT	PAPER NUMBER
SUITE 100				
NOVI, MI 48375			3616	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/635,295	KUMAKIRI ET AL.
	Examiner Toan C. To	Art Unit 3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 September 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-10 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,10 and 13-15 is/are rejected.
- 7) Claim(s) 4-9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 10, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Baba et al (U.S. 6,684,973)

As to claims 1-2, Baba et al discloses a side airbag system comprising: a side airbag (7), which deploys an airbag in a sideward direction with respect to an occupant sitting on a vehicle seat; a posture detector (detector 4-7), which determines a posture of said occupant; a weight detector (2), which measures a weight ( $V_{LOAD}$ ) of said occupant, and a deployment controller, which controls the deployment of said airbag based on the posture and weight of the occupant; wherein, the posture detector includes a plurality of sensors (sensors 3-6 to 3-10) disposed on a seat back of the vehicle seat, and the posture detector monitor a pattern of signal output from the plurality of sensors (sensors 3-6 to 3-10) on the seat back (12), and estimates the occupant's posture (calculating  $V_{EFAV2}$ ) based on a profile of this pattern ( $V_{EF}$ );, the deployment controller (4) allows the deployment of the airbag irrespective of the posture

of the occupant (see figure 6, and columns 5-6), when the weight ( $V_{LOAD}$ ) measure by the weight detector (2) exceeds threshold value ( $V_{LOADREF1}$  ).

As to claim 10, as best understood by the examiner, Babe et al disclose a side airbag, wherein, the posture detector comprise a means for discriminating between small and large occupant (as shown in figures 7A-H, and columns 5-6)

As to claims 13-15, Baba et al discloses a side airbag; wherein, the output from the posture detector (sensors 3-6 to 3-10) is categorized (see figure 6, category of  $V_{EFAV2}$ ), and the controller (4) controls the airbag based on the category of the output of the posture detector (sensors 3-6 to 3-10), the output from the weight detector (2) is categorized (see figure 6, category of  $V_{LOAD}$ ), and the controller (4) controls the airbag based on the category of the output of the weight detector (2).

### ***Response to Arguments***

3. Applicant's arguments filed September 7, 2005 have been fully considered but they are not persuasive. The prior art still read on the claimed limitation.

In response to applicant's argument that Baba et al does not "the posture detector monitors a pattern of signal output from a plurality of sensors on the seat back, and estimates the occupant's posture base on a profile of this pattern", the examiner respectfully disagrees because in Baba et al, figures 7A-7H, and 12A-12B shows different positions of occupant with respect to the seat, and these positions corresponds to the profile of pattern as claimed, and the plurality of sensors 3-6 to 3-10 detected

these positions of the occupant and sensed a corresponding signal represented the positions of the occupant such that controlling deployment of the airbag.

With respect to applicant's argument that Fig. 2 of Baba relates to a front airbag, not a side airbag unit as claimed, the examiner respectfully disagrees because, in Baba, column 1, lines 66-67 disclose an occupant protecting apparatus for controlling the inflation of the side airbag, therefore, the airbag in Figure 2 is considered a side airbag. The examiner respectfully requests applicant to point out where in Baba's invention disclose the airbag as shown in figure 2 is a front airbag.

In response to applicant's argument that Baba does not disclose the claimed limitations in claim 2, the examiner respectfully respectfully disagrees because in Baba, states 1-3 as shown in figure 6, and column 5, lines 25-47, when the weight detector detects there is an adult sitting in a seat then the weight measure exceeds a threshold value ( $V_{load} > V_{loadref1}$ ), and the controller 4 allows the deployment of the airbag ( $FX=1$ ) regardless of the value of  $V_{efav2}$  is either high, medium or low, in other words, the controller 4 allows deployment of the airbag irrespective of the posture of the adult/occupant.

#### ***Allowable Subject Matter***

4. Claims 4-9 are allowed.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo  
November 25, 2005

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600